

Message Text

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12

ACTION EB-11

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TAGS: EGEN, UNCTAD

SUBJECT: UNCTAD: CHARTER PARAGRAPH ON ENVIRONMENT

BEGIN SUMMARY: THIS CABLE SUMMARIZES STATUS OF DRAFTING ON PARA ON ENVIRONMENT IN CHAPTER III OF CHARTER OF ECONOMIC RIGHTS AND DUTIES. ACTION REQUESTED: DEPARTMENT GUIDANCE REQUESTED ASAP ON PROPOSALS DISCUSSED PARAS 2 AND 3 BELOW. END SUMMARY.

1. DEBATE ON ENVIRONMENT IN DRAFTING GROUP HAS BEEN DOMINATED BY ARGENTINIAN EFFORTS OBTAIN LANGUAGE IT CAN LATER USE IN ITS DISPUTE WITH BRAZIL CONCERNING A RIVER PROBLEM. WHILE WISHING OBTAIN FULLY AGREED TEXT, EFFORTS OF MEXICO HAVE REALISTICALLY CONCENTRATED IN FIRST INSTANCE ON ATTEMPTS TO REDUCE NUMBER OF OUTSTANDING PROPOSALS. CANADA SAID IT WISHES SEE STRONG TEXT ON ENVIRONMENT. MOST WESTERN COUNTRIES SILENT. US AND USSR HAVE MAINTAINED TEXTS AS ORIGINALLY SUBMITTED (SEE TD/B/AC/12/2, ALTERNATIVES E AND F RESPECTIVELY). THERE IS NOW GENERAL CONSENSUS THAT THERE SHOULD BE ONLY ONE PARA (RATHER THAN TWO LIMITED OFFICIAL USE

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AS IN OLD DRAFT IN CHARTER).

2. FOLLOWING IS LATEST VERSION OF MEXICAN PROPOSAL, WHICH HAS WIDE SUPPORT AMONG LDC'S (NOTABLE EXCEPTION BEING ARGENTINA AND TO LESSER EXTENT BRAZIL) PLUS CHINA: QUOTE

THE PROTECTION, PRESERVATION AND THE ENHANCEMENT OF THE ENVIRONMENT FOR THE PRESENT AND FUTURE GENERATIONS IS THE RESPONSIBILITY OF ALL STATES. ENVIRONMENTAL AND DEVELOPMENT PROBLEMS ARE CLOSELY RELATED. ACCORDINGLY:

A. ALL STATES HAVE THE RIGHT TO ESTABLISH THEIR OWN ENVIRONMENTAL POLICIES IN ACCORDANCE WITH THEIR DEVELOPMENT PLANS AND PRIORITIES, WITHOUT IMPAIRING THE RIGHTS OF OTHER STATES. TO THIS END, ALL STATES CONCERNED (SHOULD)(SHALL) COOPERATE IN HARMONIZING AMONG THEMSELVES ON A REGIONAL, SUB-REGIONAL AND WORLDWIDE BASIS THEIR ENVIRONMENTAL POLICIES BEARING IN MIND THEIR DEVELOPMENT NEEDS.

B. ALL STATES HAVE THE DUTY TO ENSURE THAT THEIR ENVIRONMENTAL POLICIES ENHANCE AND DO NOT ADVERSELY AFFECT THE PRESENT OR POTENTIAL DEVELOPMENT OF ALL COUNTRIES, ESPECIALLY DEVELOPING COUNTRIES, AND TO PROMOTE AND DO NOT HAMPER THE ATTAINMENT OF BETTER LIVING CONDITIONS FOR ALL PEOPLES.

C. ALL STATES HAVE THE DUTY TO ENSURE THAT ACTIVITIES WITHIN THEIR JURISDICTION OR CONTROL DO NOT CAUSE DAMAGE TO THE ENVIRONMENT OF OTHER STATES OR OF AREAS BEYOND THE LIMITES OF NATIONAL JURISDICTION.

D. ALL STATES SHALL CO-OPERATE TO DEVELOP FURTHER THE INTERNATIONAL LAW REGARDING LIABILITY AND COMPENSATION FOR THE VICTIMS OF POLLUTION AND OTHER ENVIRONMENTAL DAMAGE CAUSED BY ACTIVITIES WITHIN THE JURISDICTION OR CONTROL OF SUCH STATES TO AREAS BEYOND THEIR JURISDICTION. (CANADA) UNQUOTE

USSR SUGGESTED C ABOVE BE AMENDED BY ADDING FOLLOWING. TEXT NOT YET ACCEPTED BY SPONSORS.

QUOTE.

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C BIS - ALL STATES (SHOULD)(SHALL) ENDEAVOR TO ENSURE THAT THEIR ENVIRONMENTAL POLICIES ARE IN CONFORMITY WITH THE INTERESTS OF PEACE AND ECONOMIC PROGRESS OF ALL COUNTRIES. UNQUOTE

3. AS IN CASE OF SEABEDS, US DEL BELIEVES WE SHOULD BE ABLE SUPPORT BALANCED TEXT BASED ON OUR ORIGINAL PROPOSAL PROVIDED PRECISE WORDING OF STOCKHOLM DECLARATION USED. LCD'S THUS FAR DRAWING MOST HEAVILY ON PARAS 11 AND 21 OF STOCKHOLM DECLARATION

AND CANADA WISHES INSERT PARA 22. TO THIS END, WE WOULD LIKE
AUTHORITY TO TABLE FOLLOWING TEXT:

QUOTE

THE PROTECTION, PRESERVATION AND THE ENHANCEMENT
OF THE ENVIRONMENT IS THE RESPONSIBILITY OF ALL STATES. STATES
SHOULD OBSERVE THE GUIDING PRINCIPLES SET FORTH IN THE
DECLARATION OF THE UNITED NATIONS CONFERENCE ON THE HUMAN
ENVIRONMENT WHICH STATES, INTER ALIA, THAT (QUOTE IN FULL PARAS
11, 21 AND 22 OF STOCKHOLM PLUS ANY OTHERS DEPARTMENT BELIEVES
DESIRABLE). ALL STATES SHOULD PROMOTE PRACTICAL STEPS TO
IMPLEMENT THE ACTION PLAN OF THE CONFERENCE AND SHOULD COOPERATE
IN FUTURE INTERNATIONAL EFFORTS TO IMPROVE FURTHER THE HUMAN
ENVIRONMENT. UNQUOTE. DALE

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